

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MEI RONG DU, *individually and on  
behalf of others similarly situated*,  
Plaintiffs,

-v-

DINGXIANG INC., *et al.*,  
Defendants.

19-CV-11924 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

The Court has been notified that the parties have reached a settlement in this Fair Labor Standards Act case. The parties are advised that they may not dismiss this action with prejudice unless the settlement agreement has been approved by either the Court or the Department of Labor. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). The parties should file a letter motion which apprises the Court of the terms of the settlement agreement on or before May 12, 2023. The letter must explain why the proposed settlement is fair and reasonable and should discuss, at a minimum, the following factors:

(1) the plaintiff's range of possible recovery; (2) the extent to which "the settlement will enable the parties to avoid anticipated burdens and expenses in establishing their respective claims and defenses"; (3) the seriousness of the litigation risks faced by the parties; (4) whether "the settlement agreement is the product of arm's-length bargaining between experienced counsel"; and (5) the possibility of fraud or collusion.

*Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012) (quoting *Medley v. Am. Cancer Soc.*, No. 10 Civ. 3214, 2010 WL 3000028, at \*1 (S.D.N.Y. July 23, 2010)). The letter must also address whether there is a *bona fide* dispute as to the number of hours worked or the amount of compensation due and how much of the proposed settlement plaintiff's attorney shall

be seeking as fees. *Cheeks*, 796 F.3d at 203, 206. Absent special circumstances, the Court will not approve any settlement agreement that is filed under seal or in redacted form. *Id.* at 206.

The parties are directed to file a letter or stipulation, in accordance with the instructions above, on or before May 12, 2023.

The jury trial in this matter scheduled to begin on Monday, May 8, 2023, as well as all other filing deadlines, are adjourned *sine die*.

SO ORDERED.

Dated: May 5, 2023  
New York, New York



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J. PAUL OETKEN  
United States District Judge